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FURTHER REMARKS

Claim 9 now depends on claim 3. This obviates its objection with claims 11 and 14, as set forth in the outstanding action.

As may apply to the present claims, the rejection of claims 1, 2, 7, 8, 16 and 17 under 35 USC 103(a) over Turner et al., US 6306658, in view of Stokes et al., US 5167275, is respectfully traversed. The proposed artificial combination does not teach nor suggest the claimed invention to a person of ordinary skill in the pertinent art of direct evaporative refrigeration in and for laboratory test equipment under the meaning of Sec. 103(a).

The unit of Turner et al. relates to screening in combinatorial (permutational) chemistry syntheses, although it may measure viscosity. See, abstract and background sections. It is incorrect, however, to say that this unit is "directly" refrigerated as it is liquid cooled with external refrigeration of the refrigerating liquid, which remains a liquid; and to say that a thermal "fluid" 290 flows through that unit since a liquid is specified, not liquid or gas as in fluids. Turner et al. is classified in class 436 subclass 37.

The device of Stokes et al. relates to a heat exchange tube for a liquid versus an exchanging fluid that can be turbulated by a turbulator in the tube for standard heat exchange. It is as well incorrect, however, to say that this device is "directly" refrigerated as it operates to cool one fluid with a turbulated fluid, which remains in the state it was throughout its passage, i.e., a liquid, with no pressure differential. See, the abstract and background sections, plus column 3, lines 6-22, and column 4, lines 4-7. Stokes et al. is found in class 165 subclass 109.1.

In contrast, present claim 1 requires a directly refrigerated component or system in which a refrigerating pathway is provided with passive cooling moderation in a block made of a thermally conducting material, wherein the directly refrigerated component or system has the refrigerating pathway such that a refrigerant can course and cool primarily by evaporation from a liquid to a gaseous state within the passageway, and thermal conduction to include through a solid wall; and said article is a test device for rotational viscometric testing of an oleaginous fluid. In other words, here there is direct refrigeration, which requires evaporation of a refrigerant in the block; and the article is a rotational viscometer for testing an oleaginous fluid. Compare, the incorporated by reference application of Hildebrandt et al., No. 10/077,236, now patent No. 6,786,081. The present invention will probably be classified in class 73, perhaps around subclass 54, which is a far cry from the classifications of Turner et al. and Stokes et al., each of those patents being from fundamentally different arts themselves; thus, neither can be properly applied. Even if they could be applied no direct refrigeration is taught or suggested in either of Turner et al. or Stokes et al., or by

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an artificial combination of them.

Accordingly, claim 1 distinguishes over the proposed combination. By virtue of their dependence on claim 1, each of the remaining claims dependent on claim 1 distinguishes over Turner et al. in view of Stokes et al. as well. Moreover, the dependent claims have further limitations that further distinguish, particularly in the pertinent art.

Method claims 16, 17 (and 18) are canceled without prejudice.

Please, therefore, withdraw the objection and rejection.

As mentioned on the introductory page, new claims 19-24 incorporate the limitations of former claim 10 that provided for its status as allowable, with an eye towards pointing out the subject matter that engendered the Examiner's reasons for allowability. Dependent claims 20-24 add further limitations, and provide linkage for any restricted groups.

Please approve of the formal drawings filed on 4 April 2005.

With that, the case is in condition for allowance. Still, the Examiner is invited to call the undersigned to discuss the application, or seek authorization for an Examiner's amendment.

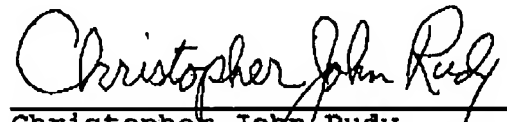
A Notice of Allowance is solicited.

Respectfully,

MARC J. HILDEBRANDT ET AL.

Dated: August 17, 2005 A.D.

By


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